

Minutes of the Land Use, Parks and Environment Committee - March 21, 2006

The meeting was called to order at 8:50 a.m. by Chair Kolb.

Present: Chair Walter Kolb, County Board Supervisors Kathleen Cummings, Scott Klein (arrived at 9:10 a.m.), Bill Kramer, Daniel Pavelko, Vera Stroud; **Absent:** Pauline Jaske

Staff Present: Legislative Policy Advisor Mark Mader, Legis. Associate Sandra Meisenheimer

Also Present: Planning & Zoning Manager Dick Mace, Financial Analyst Josh Fudge

Public Present: Herb & Pete Gross of Town of Lisbon, Scott Bence and David Donoian of J.B.J. Development, Tim Barbeau (Engineer) of Town of Delafield, Robert Kluwin of Raintree Engineering, Dennis Robus of Turning Leaf Development, Mark Hertzfeldt of Design 2 Construction, Richard Kobriger (Attorney) representing S & T North Shore, Kent & Leu Hanson of Town of Delafield, Robert Flessas (Supervisor) Town of Brookfield, Claudine Setzke of Town of Brookfield, Agnes Tetzlaff of Town of Merton, Lara Hanson of New Berlin, Chad Zesnanski of Harmony Homes, John Lietzau of Richfield

Approve Minutes of March 7, 2006

Motion: Kramer moved, second by Pavelko, to approve the minutes of 3/07/06. **Motion carried 4 – 0.**

Read Correspondence

Letter from John Schatzman, Sr., Town of Brookfield Supervisor, regarding his support of the J.B.J. Development project in the Town of Brookfield.

Consider Proposed Resolution: 160-R-019 Year 2006 Amendments to the Waukesha County Development Plan

Kolb said as each amendment is taken up by the committee, any person from the public will be allowed to speak relative to their item. Mace mentioned that in the past there were two resolutions, one for approval and one for denial; this year on the advice of Corporation Counsel, there is only one resolution for both approval and denial.

1.A. S & T North Shore, LLC (Town of Brookfield):

Attorney Richard Kobriger, representing S & T North Shore, said he had no comments but was present to answer questions if any came up.

1.B. J.B.J. Development Company (Town of Brookfield):

Claudine Setzke of Town of Brookfield said she is against more development because the area is too congested within the $\frac{3}{4}$ mile from Janacek Road to Barker Road and Barker Road over. She doesn't believe the Town of Brookfield is addressing what is going to occur in the future with the air quality and possibly water quality. She submitted a written document (see attached).

Robert Flessas said he is a Town of Brookfield Supervisor and also serves on the Town Planning Commission. He said they are not being reckless with the development projects going on. They've looked at traffic studies and have a stormwater plan. He feels they are doing a good job and have been attentive to concerns from residents.

Scott Bence of J.B.J. Development said they are in agreement with the staff report but are concerned that Elizabeth Court is being closed off as an access to the property. He asked that Elizabeth Court not be gated.

2.A. Kent and Leu Hanson (Town of Delafield):

Kent Hanson said they don't understand condition #1 and feel the definition is unclear. There is no formula telling them how much open space they must have. The Town of Delafield has a definite formula (if there is a PUD you must have 40% of the property as open space). They would like to incorporate that with this recommendation (distributed handout). Also, another concern is the recommendation has the independent 3-5 acre lots in co-ownership of the PUD lands with the condominiums. They don't think that is a wise move because there would be very dissimilar residents. Also, they would like some environmental trust not the condo association to be in charge of the wetlands. Mace stated what he is talking about is where his house is located. There is no specific area of common open space designated in the resolution or in the condition which is correct. However, he already told Kent Hanson that his house obviously would not be in the common open space. Mace went on to address the other concerns by Kent Hanson. Mace said we're in the land use plan component at this time and not in the plan/design stage.

Motion: Kramer moved, second by Stroud, to approve Items 1.A. through 6.A. as written in the resolution (1.A. *S & T North Shore, LLC*; 1.B. *J.B.J. Development Company*; 1.C. *Town of Brookfield*; 2.A. *Kent and Lou Hanson*; 3.A. *Donald J. Murn*; 3.B. *Amy and Paul Dabey*; 4.A. *Frederick Dahlke and Forest Home Investors, LLC*; 4.B. *Mark Hertzfeld, Design 2 Construction*; 4.C. *Minett Properties, Inc.*; 5.A. *Harmony Homes, Inc.*; 6.A. *Town of Vernon Plan Commission and Town Board*).

Motion: Cummings moved, second by Kramer, to eliminate the condition to gate Elizabeth Court in the J.B.J. Development Company request. Klein said he should abstain on the J.B.J. Development Company so can it be pulled? Kolb said yes.

Motion: Kramer moved, second by Cummings, to amend his motion to approve Items 1.A. through 6.A. as presented in the resolution with the exception of 1.B. – J.B.J. Development Company.

Motion carried 6 – 0.

Klein left the meeting.

Motion: Kramer moved, second by Pavelko, to approve 1.B. J.B.J. Development Company request as written in the resolution.

Motion: Cummings moved, second by Kramer, to amend Condition #2 of J.B.J. Development Company – in Line 65 put a period after “land” and delete “and the access to Elizabeth Court be gated for emergency purposes only.” **Motion carried 5 – 0** (Klein absent). **On the motion to approve, carried 5 – 0** (Klein absent).

Klein returned to the meeting.

7.C. The Town of Brookfield:

Mace said this is medium density residential now and staff recommends leaving it at medium density. Everything around it is medium density, and he cannot see making a sliver of it into the high density category.

Motion: Kramer moved, second by Pavelko, to approve Condition 7.C.4. **Motion defeated 0 – 6.**

Motion: Kramer moved, second by Pavelko, to approve Condition 7.C.8. **Motion defeated 0 – 6.**

Motion: Pavelko moved, second by Kramer, to approve Condition 7.C.16a. **Motion defeated 2 – 4** (Kramer and Pavelko voting yes).

8.B. Turning Leaf Development, LLC, c/o Dennis Robus (Town of Delafield):

Tim Barbeau, engineer for the Town of Delafield, distributed maps of the Pewaukee Lake Non-Shoreline Redevelopment Overlay District. He said this is a district for potential redevelopment of areas that are not on the shoreline but across the street from the shoreline. They set up a PUD section that allows development to take place on 5 acres or greater in those areas. The Town feels this is a good spot for a condominium development where they can cluster the density in the space. From the Town's standpoint, they would like the opportunity for a higher density and to make a decision after going through the process of having a public hearing for the PUD and rezoning. Klein questioned the open site that is separated from the other areas and the use of land.

Robert Kluwin of Raintree Engineering said the proposal for the side-by side units is to reduce the amount of hardscape. If they went to single, separated it would increase the hardscape in the area. They are trying to keep as much green space as possible.

Motion: Kramer moved, second by Pavelko, to approve 8.B. **Motion carried 4 – 2** (Klein and Cummings voting no).

9.D. John Lietzau (Town of Lisbon):

John Lietzau stated he is here to speak one more time. After the last meeting he felt like all the facts didn't come out after he got the staff report. The Town Board and the Planning Commission forwarded his project with positive comments but it appears that some of that data did not get put into the record. He also met with Director Shaver on what he wanted to do. Lietzau said the Town Board wanted to work in coordination knowing that the proper zoning was in place and are in the process of writing the zoning. The Town Board wants this project to move forward but there are differences between the county and the town. Lietzau finds this troubling and wants to get to the bottom of it. He finds it troubling because there is no sewer pipe he is labeled with a 5-acre density. He's confused on how the process works. This is not an easy process for someone who has never done this before.

Kramer asked why is staff denying this? Mace said in 1999 the county board made an amendment that applies to all the RDROAL lands in the county. In order to maintain an overall density in those areas in that town, you need to maintain that category and if you adopted an ordinance that would accommodate land use development with open space in those category areas that you could increase density to 3.5 acres as long as criteria was met to maintain common open space, primary environmental corridors, etc. Mace said they are a long way from meeting that goal. They are also in the process of developing an amendment to their zoning code which is being written by the county as requested by the town to provide for open space concept developments and if adopted will qualify and allow those areas that are 5 acres or RDR to be reduced to 3.5 acres per unit. Mace expects the town will adopt it but they aren't there yet.

Motion: Kramer moved, second by Pavelko, to approve 9.D. of Resolution 160-R-019 in the Town of Lisbon (John Lietzau). **Motion defeated 0 – 6.**

9.E. Herb Gross (Town of Lisbon):

Herb Gross stated that the parcel in question has been in his family for over 75 years. This is their

second year with this process. When the original amendment went through their property was mishandled and put into a 5-acre density when surrounding lands were in 20,000 square foot to a 1.4 acre category. They want to correct this particular situation and are asking for approval of the category they have applied for.

Klein asked Mace so it is because of the overall density of the town? Mace said yes. Klein asked what would the town have to do to change the overall density? Mace said what they have right now is 1.3. The only thing they could do is to not allow development even at 5 acres. Herb Gross asked did the Town Board approve their request for a higher category?

Pete Gross said they would be amenable to go to the next category up although they feel their original request was well founded. Mace said the Planning Commission voted 6 – 1 to deny their request for the LDR category. The Town Board voted 3 – 1 in favor of the SDRI. P.Gross said if we solve the land use issues, we can go ahead with engineering.

Motion: Kramer moved, second by Pavelko, to approve 9.E. of Resolution 160-R-019.

Motion: Pavelko moved, second by Kramer, to amend line 262 of 9.E. – delete “LDR” and add “SDRI”. **Motion carried 5 – 1** (Klein voting no). **On the motion to approve, carried as amended 5 – 1** (Klein voting no).

Pavelko left the meeting at 10:30 a.m.

Consider Proposed Ordinance: 160-O-126 (Text Amendment) Town of Summit. Request: Amendment to the Town of Summit Zoning Ordinance Regarding the Regulation of Hobby Kennels for Dogs and Other Confined Hobby Animals (ZT-1579A)

Motion: Kramer moved, second by Cummings, to approve Ordinance 160-O-126. Mace said this is a text amendment for the regulation of hobby kennels. It will help to better define and regulate the use of various kinds of animals beyond the traditional dog and cat that have come to be maintained and kept by property owners in recent years and which really have the potential of nuisance, especially in their confinement and numbers of animals being confined of their size. **Motion carried 5 – 0.**

Consider Proposed Ordinance: 160-O-127 (Text Amendment) Town of Delafield. Request: Amend Section 17.05 5.AO of the Town of Delafield Zoning Code Regarding Riding Academies and Commercial Stables (ZT-1606)

Motion: Kramer moved, second by Klein, to approve Ordinance 160-O-127. Mace stated this is the same type of text amendment as the previous one. It will continue to allow and promote riding academies and commercial stables by allowing flexibility in the use of existing non-conforming and rustic buildings, but will require new buildings intended to house animals to be constructed or improved at a setback of 100 ft. when adjacent to a residential structure. **Motion carried 5 – 0.**

Consider Proposed Ordinance: 160-O-128 (Syed Hussain) Town of Delafield, Section 15. Part of the SE ¼ of Section 15, T7N, R18E, Town of Delafield. More specifically, the property is located north of Maple Avenue. Request: Rezone from the A-2 Rural Home District (Town and County) to the R-2 Residential District (Town and County) with a PLO Pewaukee Lake Non Shoreland Redevelopment Overlay District (Town) (SZT-1501A)

Motion: Kramer moved, second by Cummings, to approve Ordinance 160-O-128. Mace stated they are recommending denial as they do not feel that the proposed development as presented is

appropriate, especially in light of the extensive grading of the Primary Environmental Corridor that was proposed and further the Town's denial of the rezone renders the county's action moot, in that both the Town and County must approve of the rezoning. **Motion defeated 0 – 5.**

Consider Proposed Ordinance: 160-O-129 (Harmony Homes) Town of Vernon, Section 3. Part of the NE ¼ of Section 3, T5N R19E, Town of Vernon. More specifically the property is located at S63 W24375 Townline Road. Request: Rezone from the R-1a Residential, RRD-5 Rural Density Residential District 5 and A-5 Mini-Farm Districts to the R-1 Residential District (CZ-1601)

Mace explained the rezoning which is for a twelve-lot single family residential subdivision (Maple Vista) and future Town Park. The proposed subdivision contains approximately 43.2 acres. The property is located on the south side of Townline Road and west of STH 164 in the vicinity of the intersection of Townline Road and Elder Ayre Drive in the Town of Vernon. The Planning staff is recommending approval subject to ten conditions as outlined in the ordinance.

Motion: Kramer moved, second by Stroud, to approve Ordinance 160-O-129. **Motion carried 5 – 0.**

Meeting Approvals

Motion: Kramer moved, second by Klein, to approve attendance for Supervisor Stroud to go to the conference: "Water-wise in Waukesha County" being held at Carroll College in Waukesha on March 25 from 9:00 a.m. to 2:00 p.m. **Motion carried 5 – 0.**

Executive Committee Report by Chair Kolb for Meeting of March 13, 2006

Kolb reviewed some of the items that were taken up at the last meeting on Monday, March 13.

Motion: Cummings moved, second by Kramer, to approve committee attendance to the next Executive Committee meeting on Monday, March 27, 2006. **Motion carried 5 – 0.**

Motion to adjourn: Kramer moved, second by Cummings, to adjourn the meeting at 11:24 a.m. Motion carried 5 – 0.

Respectfully submitted,

Pauline T. Jaske
Secretary

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